

FIRST REGULAR SESSION

HOUSE BILL NO. 309

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SOLON (Sponsor), KELLY (45), DAVIS, LICHTENEGGER, ZERR, ALLEN, LYNCH, HAEFNER, WIELAND, BLACK, BRATTIN, BERRY, LEARA, KELLEY (127), WALTON GRAY, HANSEN, CONWAY (104) AND WEBBER (Co-sponsors).

0802L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 478, RSMo, by adding thereto five new sections relating to the veterans treatment intervention act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 478, RSMo, is amended by adding thereto five new sections, to be known as sections 478.1100, 478.1105, 478.1110, 478.1115, and 478.1120, to read as follows:

478.1100. 1. Sections 478.1100 to 478.1120 shall be known and may be cited as the "Veterans Treatment Intervention Act".

2. For purposes of sections 478.1100 to 478.1120, the following terms shall mean:

(1) "Servicemember", any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Missouri National Guard and United States Reserve Forces;

(2) "Veteran", any person defined as a veteran by the United States Department of Veterans Affairs or its successor agency.

478.1105. The presiding judge of each judicial circuit in this state may establish a "Military Veterans and Servicemembers Court Program" under which veterans and servicemembers who are convicted of a criminal offense and who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem may be sentenced in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant. Entry into any military

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 veterans and servicemembers court program shall be based upon the sentencing court's
9 assessment of the defendant's criminal history, military service, substance abuse treatment
10 needs, mental health treatment needs, amenability to the services of the program, the
11 recommendation of the prosecuting attorney and the victim, if any, and the defendant's
12 agreement to enter the program.

478.1110. 1. Any person who is charged with a felony, other than a felony listed in
2 subsection 2 of this section, identified as a veteran or servicemember who suffers from a
3 military service-related mental illness, traumatic brain injury, substance abuse disorder,
4 or psychological problem is eligible for voluntary admission into a pretrial veterans'
5 treatment intervention program approved by the presiding judge of the circuit upon
6 motion of either party or the court's own motion, except:

7 (1) If a defendant was previously offered admission to a pretrial veterans'
8 treatment intervention program at any time before trial and the defendant rejected such
9 offer on the record, the court may deny the defendant's admission to such a program;

10 (2) If a defendant previously entered a court-ordered veterans' treatment program,
11 the court may deny the defendant's admission into the pretrial veterans' treatment
12 program.

13 2. Any person charged with the following felonies, including attempt of such
14 felonies, shall not be eligible for admission into a pretrial veterans' treatment intervention
15 program under sections 478.1100 to 478.1120:

16 (1) Murder or manslaughter under chapter 565;

17 (2) Kidnapping or false imprisonment under chapter 565;

18 (3) Aggravated assault under chapter 565;

19 (4) Stalking under chapter 565;

20 (5) Elder abuse under chapter 565;

21 (6) Sexual offenses under chapter 566;

22 (7) Offenses against the family under chapter 568;

23 (8) Robbery or burglary under chapter 569;

24 (9) Arson under chapter 569;

25 (10) Water contamination under chapter 569;

26 (11) Child pornography under chapter 573;

27 (12) Treason; and

28 (13) Any offense committed in another jurisdiction which would be a felony offense
29 listed in this subsection if committed in this state.

30 3. (1) While enrolled in a pretrial intervention program authorized by this section,
31 the participant shall be subject to a coordinated strategy developed by a veterans'

32 treatment intervention team. The coordinated strategy shall be modeled after the
33 therapeutic jurisprudence principles and key components listed in subdivision (2) of this
34 subsection, with treatment specific to the needs of veterans and servicemembers. The
35 coordinated strategy may include a protocol of sanctions that may be imposed upon the
36 participant for noncompliance with program rules. The protocol of sanctions may include,
37 but not be limited to, placement in a treatment program offered by a licensed service
38 provider or in a jail-based treatment program or serving a period of incarceration within
39 the time limits established for contempt of court. The coordinated strategy shall be
40 provided in writing to the participant before the participant agrees to enter into a pretrial
41 veterans' treatment intervention program or other pretrial intervention program. Any
42 person whose charges are dismissed after successful completion of the pretrial veterans'
43 treatment intervention program, if otherwise eligible, may have his or her arrest record of
44 the dismissed charges expunged under chapter 610.

45 (2) The treatment program shall include the following therapeutic jurisprudence
46 principles recognized by the Drug Courts Program Office of the Office of Justice Programs
47 of the United States Department of Justice:

48 (a) Integrate alcohol and other drug treatment services with justice system case
49 processing;

50 (b) Use a nonadversarial approach in which prosecution and defense counsel
51 promote public safety while protecting participants' due process rights;

52 (c) Eligible participants are identified early and promptly placed in the treatment
53 program;

54 (d) The treatment program provides access to a continuum of alcohol, drug, and
55 other related treatment and rehabilitation services;

56 (e) Abstinence is monitored by frequent testing for alcohol and other drugs;

57 (f) A coordinated strategy governs treatment program responses to participants'
58 compliance;

59 (g) Ongoing judicial interaction with each treatment program participant is
60 essential;

61 (h) Monitoring and evaluation measure the achievement of program goals and
62 gauge treatment program effectiveness;

63 (i) Continuing interdisciplinary education promotes effective treatment program
64 planning, implementation, and operations;

65 (j) Forging partnerships among treatment programs, public agencies, and
66 community-based organizations generates local support and enhances treatment program
67 effectiveness.

68 **4. At the end of the pretrial intervention period, the court shall consider the**
69 **recommendation of the treatment program and the recommendation of the prosecuting**
70 **attorney as to disposition of the pending charges. The court shall determine, by written**
71 **finding, whether the defendant has successfully completed the pretrial intervention**
72 **program. If the court finds that the defendant has not successfully completed the pretrial**
73 **intervention program, the court may order the person to continue in education and**
74 **treatment, which may include treatment programs offered by licensed service providers**
75 **or jail-based treatment programs, or order that the charges revert to normal channels for**
76 **prosecution. The court shall dismiss the charges upon a finding that the defendant has**
77 **successfully completed the pretrial intervention program.**

478.1115. 1. Any veteran or servicemember who suffers from a military service-
2 **related mental illness, traumatic brain injury, substance abuse disorder, or psychological**
3 **problem, and who is charged with a misdemeanor is eligible for voluntary admission into**
4 **a misdemeanor pretrial veterans' treatment intervention program approved by the**
5 **presiding judge of the circuit for a period based on the program's requirements and the**
6 **treatment plan for the offender, upon motion of either party or the court's own motion.**
7 **However, the court may deny the defendant admission into a misdemeanor pretrial**
8 **veterans' treatment intervention program if the defendant has previously entered a court-**
9 **ordered veterans' treatment program.**

10 **2. While enrolled in a pretrial intervention program authorized by this section, the**
11 **participant shall be subject to a coordinated strategy developed by a veterans' treatment**
12 **intervention team. The coordinated strategy shall be modeled after the therapeutic**
13 **jurisprudence principles and key components in subdivision (2) of subsection 3 of section**
14 **478.1110, with treatment specific to the needs of veterans and servicemembers. The**
15 **coordinated strategy may include a protocol of sanctions that may be imposed upon the**
16 **participant for noncompliance with program rules. The protocol of sanctions may include,**
17 **but not be limited to, placement in a treatment program offered by a licensed service**
18 **provider or in a jail-based treatment program or serving a period of incarceration within**
19 **the time limits established for contempt of court. The coordinated strategy shall be**
20 **provided in writing to the participant before the participant agrees to enter into a**
21 **misdemeanor pretrial veterans' treatment intervention program or other pretrial**
22 **intervention program. Any person whose charges are dismissed after successful**
23 **completion of the misdemeanor pretrial veterans' treatment intervention program, if**
24 **otherwise eligible, may have his or her arrest record of the dismissed charges expunged**
25 **under chapter 610.**

26 **3. At the end of the pretrial intervention period, the court shall consider the**
27 **recommendation of the treatment program and the recommendation of the prosecuting**
28 **attorney as to disposition of the pending charges. The court shall determine, by written**
29 **finding, whether the defendant successfully completed the pretrial intervention program.**
30 **Notwithstanding the coordinated strategy developed by a team under subdivision (2) of**
31 **subsection 2 of section 478.1110 or by the veterans' treatment intervention team, if the**
32 **court finds that the defendant has not successfully completed the pretrial intervention**
33 **program, the court may order the person to continue in education and treatment or return**
34 **the charges to the criminal docket for prosecution. The court shall dismiss the charges**
35 **upon finding that the defendant has successfully completed the pretrial intervention**
36 **program.**

37 **4. Any public or private entity providing a pretrial substance abuse education and**
38 **treatment program under this section shall contract with the county or appropriate**
39 **governmental entity. Except for services provided by the United States Department of**
40 **Veterans Affairs, the terms of the contract shall include, but not be limited to, the following**
41 **requirements:**

42 **(1) The extent of the services to be rendered by the entity providing supervision or**
43 **rehabilitation;**

44 **(2) Staff qualifications and criminal record checks of staff in accordance with**
45 **essential standards established by the American Correctional Association;**

46 **(3) Staffing levels;**

47 **(4) The number of face-to-face contacts with the offender;**

48 **(5) Procedures for handling the collection of all offender fees and restitution;**

49 **(6) Procedures for handling indigent offenders which ensure placement irrespective**
50 **of ability to pay;**

51 **(7) Circumstances under which revocation of an offender's probation may be**
52 **recommended;**

53 **(8) Reporting and record-keeping requirements;**

54 **(9) Default and contract termination procedures;**

55 **(10) Procedures that aid offenders with job assistance; and**

56 **(11) Procedures for accessing criminal history records of probationers. In addition,**
57 **the entity shall supply the presiding judge's office with a quarterly report summarizing the**
58 **number of offenders supervised by the private entity, payment of the required contribution**
59 **under supervision or rehabilitation, and the number of offenders for whom supervision or**
60 **rehabilitation will be terminated. All records of the entity shall be open to inspection upon**

61 the request of the county, the court, the state auditor, and the office of administration, or
62 agents thereof.

478.1120. For a person on probation whose crime was committed on or after the
2 effective date of this section, and who is a veteran or servicemember who suffers from a
3 military service-related mental illness, traumatic brain injury, substance abuse disorder,
4 or psychological problem, the court may, in addition to any other conditions imposed,
5 impose a condition requiring the probationer to participate in a treatment program
6 capable of treating the probationer's mental illness, traumatic brain injury, substance
7 abuse disorder, or psychological problem. The court shall give preference to treatment
8 programs for which the probationer is eligible through the United States Department of
9 Veterans Affairs. The department of corrections is not required to spend state funds to
10 implement this subsection.

✓